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**OFFICE OF PETITIONS**

In re Application of :  
Halley, et al. : DECISION ON APPLICATION FOR  
Application No. 10/092,675 : PATENT TERM ADJUSTMENT  
Filed: March 7, 2002 :  
Atty. Dkt. No.: 38190.234783 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)" filed January 26, 2005.

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(b) is hereby **GRANTED AS INDICATED HEREIN.**

The correct patent term adjustment at the time of allowance is 223 days. The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 223 days. A copy of the updated PAIR screen showing the correct determination is enclosed

Applicants request that the Determination of Patent Term Adjustment be corrected from the 0 day determination indicated on the Determination of Patent Term Adjustment mailed November 24, 2004 to an adjustment of 221 days.

A review of the application history indicates a restriction requirement was mailed June 26, 2003, resulting in a 50 day adjustment under 37 CFR 1.702(a)(1) and 1.703(a)(1). The delay began May 8, 2003 and ended June 26, 2003.

The office errantly assessed a 166 day reduction for failure to engage in reasonable efforts to conclude prosecution with respect to the response to the restriction requirement that was mailed June 26, 2003 when in fact, a response to the restriction requirement was timely submitted July 1, 2003, as argued by applicants.

In accordance with 37 CFR 1.702(a)(2), a further adjustment of 179 days can be attributed to the Office for failure to timely

respond to applicants' response submitted July 1, 2003. In accordance with 37 CFR 1.703(a)(2), the adjustment began November 2, 2003, the day after the date that is four months after the date a reply under § 1.111 was filed, and ended April 28, 2004, the date the non-final Office action was mailed.

The adjustment was reduced six days under 37 CFR 1.704(c)(8) for submission of an IDS on July 19, 2004. The reduction began July 13, 2004, the date a response to the non-final Office action was received, and ended July 19, 2004, the date the IDS was submitted.

Accordingly, the period of patent term adjustment at the time of mailing of the Notice of Allowance was 223 days.

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

*Karin A. Ferriter*  
*for*

Karin Ferriter  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation